



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1788

Introduced 2/20/2015, by Sen. Darin M. LaHood

SYNOPSIS AS INTRODUCED:

See Index

Creates the State's Attorney Privacy Act. Prohibits a person, business, association, or government agency from publicly posting or displaying the personal information of a State's Attorney after the State's Attorney has made a written request to not post or display the personal information. Allows for injunctive or declaratory relief. Prohibits a person, business, or association from soliciting, selling, or trading on the Internet a State's Attorney's personal information with the intent to pose an imminent and serious threat to the health and safety of the State's Attorney or the State's Attorney's immediate family. Makes it a Class 3 felony to knowingly post personal information of a State's Attorney or the State's Attorney's immediate family, if the person knows or reasonably should know the posting poses an imminent and serious threat to the health and safety of the State's Attorney or his or her immediate family, and the posting is a proximate cause of bodily injury or death of the State's Attorney or a member of his or her immediate family. Provides an exemption from the felony offense for employees of a government agency acting in good faith, while carrying out a public function. Makes corresponding changes in the Freedom of Information Act, the Election Code, the Illinois Identification Card Act, and the Illinois Vehicle Code. Effective immediately.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State's Attorneys.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 ARTICLE I. GENERAL PROVISIONS

5 Section 1-1. Short title. This Act may be cited as the
6 State's Attorney Privacy Act.

7 Section 1-5. Purpose. The purpose of this Act is to improve
8 the safety and security of Illinois State's Attorneys to ensure
9 they are able to administer justice fairly without fear of
10 personal reprisal from individuals affected by the decisions
11 they make in the course of carrying out their public function.

12 This Act is not intended to restrain a State's Attorney
13 from independently making public his or her own personal
14 information. Additionally, no government agency, person,
15 business, or association has any obligation under this Act to
16 protect the privacy of a State's Attorney's personal
17 information until the State's Attorney makes a written request
18 that his or her personal information not be publicly posted.

19 Section 1-10. Definitions. As used in this Act:

20 "Government agency" includes all agencies, authorities,
21 boards, commissions, departments, institutions, offices, and

1 any other bodies politic and corporate of the State created by
2 the constitution or statute, whether in the executive,
3 judicial, or legislative branch; all units and corporate
4 outgrowths created by executive order of the Governor or any
5 constitutional officer, by the Supreme Court, or by resolution
6 of the General Assembly; or agencies, authorities, boards,
7 commissions, departments, institutions, offices, and any other
8 bodies politic and corporate of a unit of local government or
9 school district.

10 "Home address" includes a State's Attorney's permanent
11 residence and any secondary residences affirmatively
12 identified by the State's Attorney, but does not include a
13 State's Attorney's work address.

14 "Immediate family" includes a State's Attorney's spouse,
15 child, parent, or any blood relative of the State's Attorney or
16 the State's Attorney's spouse who lives in the same residence.

17 "State's Attorney" has the meaning ascribed to it under
18 Division 3-9 of the Counties Code.

19 "Personal information" means a home address, home
20 telephone number, mobile telephone number, pager number,
21 personal email address, social security number, federal tax
22 identification number, checking and savings account numbers,
23 credit card numbers, marital status, and identity of children
24 under the age of 18.

25 "Publicly available content" means any written, printed,
26 or electronic document or record that provides information or

1 that serves as a document or record maintained, controlled, or
2 in the possession of a government agency that may be obtained
3 by any person or entity, from the Internet, from the government
4 agency upon request either free of charge or for a fee, or in
5 response to a request under the Freedom of Information Act.

6 "Publicly post" or "publicly display" means to communicate
7 to another or otherwise make available to the general public.

8 "Written request" means written notice signed by a State's
9 Attorney or a representative of the State's Attorney's employer
10 requesting a government agency, person, business, or
11 association to refrain from posting or displaying publicly
12 available content that includes the State's Attorney's
13 personal information.

14 ARTICLE II. CIVIL PROVISIONS

15 Section 2-1. Publicly posting or displaying a State's
16 Attorney's personal information by government agencies.

17 (a) A government agency shall not publicly post or display
18 publicly available content that includes a State's Attorney's
19 personal information if it has received a written request in
20 accordance with Section 2-10 of this Act that it refrain from
21 disclosing the State's Attorney's personal information. After
22 a government agency has received a written request, that agency
23 shall remove the State's Attorney's personal information from
24 publicly available content within 5 business days. After the

1 government agency has removed the State's Attorney's personal
2 information from publicly available content, the agency shall
3 not publicly post or display the information and the State's
4 Attorney's personal information shall be exempt from the
5 Freedom of Information Act unless the government agency has
6 received consent from the State's Attorney to make the personal
7 information available to the public.

8 (b) If a government agency fails to comply with a written
9 request to refrain from disclosing personal information, the
10 State's Attorney may bring an action seeking injunctive or
11 declaratory relief in any court of competent jurisdiction.

12 Section 2-5. Publicly posting a State's Attorney's
13 personal information on the Internet by persons, businesses,
14 and associations.

15 (a) Prohibited Conduct.

16 (1) No person, business, or associations shall
17 publicly post or display on the Internet publicly available
18 content that includes a State's Attorney's personal
19 information if the State's Attorney has made a written
20 request to the person, business, or association that it
21 refrain from disclosing the personal information.

22 (2) No person, business, or association shall solicit,
23 sell, or trade on the Internet a State's Attorney's
24 personal information with the intent to pose an imminent
25 and serious threat to the health and safety of the State's

1 Attorney or the State's Attorney's immediate family.

2 (3) After receiving a State's Attorney's written
3 request, no person, business, or association shall
4 transfer the State's Attorney's personal information to
5 any other person, business, or association through any
6 medium.

7 (b) Required Conduct.

8 (1) After a person, business, or association has
9 received a written request from a State's Attorney to
10 protect the privacy of the State's Attorney's personal
11 information, that person, business, or association shall
12 remove the personal information from the Internet within 72
13 hours.

14 (2) After a person, business, or association has
15 received a written request from a State's Attorney, that
16 person, business, or association shall ensure that the
17 State's Attorney's personal information is not made
18 available on any website or subsidiary website controlled
19 by that person, business, or association.

20 (c) A State's Attorney whose personal information is made
21 public as a result of a violation of this Act may bring an
22 action seeking injunctive or declaratory relief in any court of
23 competent jurisdiction. If the court grants injunctive or
24 declaratory relief, the person, business, or association
25 responsible for the violation shall be required to pay the
26 State's Attorney's costs and reasonable attorney's fees.

1 (d) As used in this Section, "Internet" includes, but is
2 not limited to, Internet phone directories, Internet search
3 engines, Internet data aggregators, and Internet service
4 providers.

5 Section 2-10. Procedure for completing a written request.

6 (a) This Act does not apply to a government agency, person,
7 business, or association if the State's Attorney fails to
8 submit a written request for the protection of the State's
9 Attorney's personal information.

10 (b) A written request under this Section is valid if the
11 State's Attorney sends a written request directly to a
12 government agency, person, business, or association.

13 (c) A representative from the State's Attorney's employer
14 may submit a written request on the State's Attorney's behalf,
15 provided that the State's Attorney gives written consent to the
16 representative and provided that the representative agrees to
17 furnish a copy of that consent when a written request is made.
18 The representative shall submit the written request as provided
19 in subsection (b) of this Section.

20 (d) A State's Attorney's written request shall specify what
21 personal information shall be protected. If a State's Attorney
22 wishes to identify a secondary residence as a home address, as
23 that term is defined in Section 1-10 of this Act, the
24 designation shall be made in the written request. A State's
25 Attorney shall disclose the identity of the State's Attorney's

1 immediate family and indicate that the personal information of
2 these family members shall also be excluded to the extent that
3 it could reasonably be expected to reveal the personal
4 information of the State's Attorney.

5 (e) A State's Attorney's written request is valid until the
6 State's Attorney provides the government agency, person,
7 business, or association with written permission to release the
8 private information. A State's Attorney's written request
9 expires on death.

10 ARTICLE III. CRIMINAL PROVISIONS

11 Section 3-1. Unlawful publication of personal information.
12 A person shall not knowingly publicly post on the Internet the
13 personal information of a State's Attorney or of the State's
14 Attorney's immediate family if the person knows or reasonably
15 should know that publicly posting the personal information
16 poses an imminent and serious threat to the health and safety
17 of the State's Attorney or the State's Attorney's immediate
18 family. A person who violates this Section, and the violation
19 is a proximate cause of bodily injury or death of the State's
20 Attorney or a member of the State's Attorney's immediate
21 family, is guilty of a Class 3 felony.

22 Section 3-5. Exception. If an employee of a government
23 agency has complied with the conditions set forth in Article II

1 of this Act, it is not a violation of Section 3-1 if an
2 employee of a government agency publishes personal
3 information, in good faith, on the website of the government
4 agency in the ordinary course of carrying out public functions.

5 ARTICLE IV. MISCELLANEOUS

6 Section 4-1. Construction. This Act and any rules adopted
7 to implement this Act shall be construed broadly to favor the
8 protection of the personal information of State's Attorneys.

9 Section 4-5. Severability. If any part of this Act or its
10 application to any person or circumstance is adjudged invalid,
11 the adjudication or application shall not affect the validity
12 of this Act as a whole or of any other part.

13 Section 4-10. The Freedom of Information Act is amended by
14 changing Section 7.5 as follows:

15 (5 ILCS 140/7.5)

16 Sec. 7.5. Statutory exemptions ~~Exemptions~~. To the extent
17 provided for by the statutes referenced below, the following
18 shall be exempt from inspection and copying:

19 (a) All information determined to be confidential
20 under Section 4002 of the Technology Advancement and
21 Development Act.

1 (b) Library circulation and order records identifying
2 library users with specific materials under the Library
3 Records Confidentiality Act.

4 (c) Applications, related documents, and medical
5 records received by the Experimental Organ Transplantation
6 Procedures Board and any and all documents or other records
7 prepared by the Experimental Organ Transplantation
8 Procedures Board or its staff relating to applications it
9 has received.

10 (d) Information and records held by the Department of
11 Public Health and its authorized representatives relating
12 to known or suspected cases of sexually transmissible
13 disease or any information the disclosure of which is
14 restricted under the Illinois Sexually Transmissible
15 Disease Control Act.

16 (e) Information the disclosure of which is exempted
17 under Section 30 of the Radon Industry Licensing Act.

18 (f) Firm performance evaluations under Section 55 of
19 the Architectural, Engineering, and Land Surveying
20 Qualifications Based Selection Act.

21 (g) Information the disclosure of which is restricted
22 and exempted under Section 50 of the Illinois Prepaid
23 Tuition Act.

24 (h) Information the disclosure of which is exempted
25 under the State Officials and Employees Ethics Act, and
26 records of any lawfully created State or local inspector

1 general's office that would be exempt if created or
2 obtained by an Executive Inspector General's office under
3 that Act.

4 (i) Information contained in a local emergency energy
5 plan submitted to a municipality in accordance with a local
6 emergency energy plan ordinance that is adopted under
7 Section 11-21.5-5 of the Illinois Municipal Code.

8 (j) Information and data concerning the distribution
9 of surcharge moneys collected and remitted by wireless
10 carriers under the Wireless Emergency Telephone Safety
11 Act.

12 (k) Law enforcement officer identification information
13 or driver identification information compiled by a law
14 enforcement agency or the Department of Transportation
15 under Section 11-212 of the Illinois Vehicle Code.

16 (l) Records and information provided to a residential
17 health care facility resident sexual assault and death
18 review team or the Executive Council under the Abuse
19 Prevention Review Team Act.

20 (m) Information provided to the predatory lending
21 database created pursuant to Article 3 of the Residential
22 Real Property Disclosure Act, except to the extent
23 authorized under that Article.

24 (n) Defense budgets and petitions for certification of
25 compensation and expenses for court appointed trial
26 counsel as provided under Sections 10 and 15 of the Capital

1 Crimes Litigation Act. This subsection (n) shall apply
2 until the conclusion of the trial of the case, even if the
3 prosecution chooses not to pursue the death penalty prior
4 to trial or sentencing.

5 (o) Information that is prohibited from being
6 disclosed under Section 4 of the Illinois Health and
7 Hazardous Substances Registry Act.

8 (p) Security portions of system safety program plans,
9 investigation reports, surveys, schedules, lists, data, or
10 information compiled, collected, or prepared by or for the
11 Regional Transportation Authority under Section 2.11 of
12 the Regional Transportation Authority Act or the St. Clair
13 County Transit District under the Bi-State Transit Safety
14 Act.

15 (q) Information prohibited from being disclosed by the
16 Personnel Records Review Act.

17 (r) Information prohibited from being disclosed by the
18 Illinois School Student Records Act.

19 (s) Information the disclosure of which is restricted
20 under Section 5-108 of the Public Utilities Act.

21 (t) All identified or deidentified health information
22 in the form of health data or medical records contained in,
23 stored in, submitted to, transferred by, or released from
24 the Illinois Health Information Exchange, and identified
25 or deidentified health information in the form of health
26 data and medical records of the Illinois Health Information

1 Exchange in the possession of the Illinois Health
2 Information Exchange Authority due to its administration
3 of the Illinois Health Information Exchange. The terms
4 "identified" and "deidentified" shall be given the same
5 meaning as in the Health Insurance Accountability and
6 Portability Act of 1996, Public Law 104-191, or any
7 subsequent amendments thereto, and any regulations
8 promulgated thereunder.

9 (u) Records and information provided to an independent
10 team of experts under Brian's Law.

11 (v) Names and information of people who have applied
12 for or received Firearm Owner's Identification Cards under
13 the Firearm Owners Identification Card Act or applied for
14 or received a concealed carry license under the Firearm
15 Concealed Carry Act, unless otherwise authorized by the
16 Firearm Concealed Carry Act; and databases under the
17 Firearm Concealed Carry Act, records of the Concealed Carry
18 Licensing Review Board under the Firearm Concealed Carry
19 Act, and law enforcement agency objections under the
20 Firearm Concealed Carry Act.

21 (w) Personally identifiable information which is
22 exempted from disclosure under subsection (g) of Section
23 19.1 of the Toll Highway Act.

24 (x) Information which is exempted from disclosure
25 under Section 5-1014.3 of the Counties Code or Section
26 8-11-21 of the Illinois Municipal Code.

1 (y) Confidential information under the Adult
2 Protective Services Act and its predecessor enabling
3 statute, the Elder Abuse and Neglect Act, including
4 information about the identity and administrative finding
5 against any caregiver of a verified and substantiated
6 decision of abuse, neglect, or financial exploitation of an
7 eligible adult maintained in the Registry established
8 under Section 7.5 of the Adult Protective Services Act.

9 (z) Records and information provided to a fatality
10 review team or the Illinois Fatality Review Team Advisory
11 Council under Section 15 of the Adult Protective Services
12 Act.

13 (aa) Information which is exempted from disclosure
14 under Section 2.37 of the Wildlife Code.

15 (bb) Information exempt from disclosure under the
16 State's Attorney Privacy Act.

17 (Source: P.A. 97-80, eff. 7-5-11; 97-333, eff. 8-12-11; 97-342,
18 eff. 8-12-11; 97-813, eff. 7-13-12; 97-976, eff. 1-1-13; 98-49,
19 eff. 7-1-13; 98-63, eff. 7-9-13; 98-756, eff. 7-16-14; 98-1039,
20 eff. 8-25-14; 98-1045, eff. 8-25-14; revised 10-1-14.)

21 Section 4-15. The Election Code is amended by adding
22 Section 10-10.6 as follows:

23 (10 ILCS 5/10-10.6 new)

24 Sec. 10-10.6. Removal of State's Attorney's address

1 information from the certificate of nomination or nomination
2 papers.

3 (a) Upon expiration of the period for filing an objection
4 to a State's Attorney candidate's certificate of nomination or
5 nomination papers, a State's Attorney who is a candidate may
6 file a written request with the State Board of Elections for
7 redaction of the State's Attorney's home address information
8 from his or her certificate of nomination or nomination papers.
9 After receipt of the State's Attorney's written request, the
10 State Board of Elections shall redact or cause redaction of the
11 State's Attorney's home address from his or her certificate of
12 nomination or nomination papers within 5 business days.

13 (b) Prior to expiration of the period for filing an
14 objection to a State's Attorney's certificate of nomination or
15 nomination papers, the home address information from the
16 certificate of nomination or nomination papers of a State's
17 Attorney who is a candidate is available for public inspection.
18 After redaction of a State's Attorney's home address
19 information under subsection (a) of this Section, the home
20 address information is only available for an in camera
21 inspection by the court reviewing an objection to the State's
22 Attorney's certificate of nomination or nomination papers.

23 (c) For the purposes of this Section, "home address" has
24 the meaning as defined in Section 1-10 of the State's Attorney
25 Privacy Act.

1 Section 4-18. The Illinois Identification Card Act is
2 amended by changing Sections 4 and 5 as follows:

3 (15 ILCS 335/4) (from Ch. 124, par. 24)

4 Sec. 4. Identification Card.

5 (a) The Secretary of State shall issue a standard Illinois
6 Identification Card to any natural person who is a resident of
7 the State of Illinois who applies for such card, or renewal
8 thereof, or who applies for a standard Illinois Identification
9 Card upon release as a committed person on parole, mandatory
10 supervised release, aftercare release, final discharge, or
11 pardon from the Department of Corrections or Department of
12 Juvenile Justice by submitting an identification card issued by
13 the Department of Corrections or Department of Juvenile Justice
14 under Section 3-14-1 or Section 3-2.5-70 of the Unified Code of
15 Corrections, together with the prescribed fees. No
16 identification card shall be issued to any person who holds a
17 valid foreign state identification card, license, or permit
18 unless the person first surrenders to the Secretary of State
19 the valid foreign state identification card, license, or
20 permit. The card shall be prepared and supplied by the
21 Secretary of State and shall include a photograph and signature
22 or mark of the applicant. However, the Secretary of State may
23 provide by rule for the issuance of Illinois Identification
24 Cards without photographs if the applicant has a bona fide
25 religious objection to being photographed or to the display of

1 his or her photograph. The Illinois Identification Card may be
2 used for identification purposes in any lawful situation only
3 by the person to whom it was issued. As used in this Act,
4 "photograph" means any color photograph or digitally produced
5 and captured image of an applicant for an identification card.
6 As used in this Act, "signature" means the name of a person as
7 written by that person and captured in a manner acceptable to
8 the Secretary of State.

9 (a-5) If an applicant for an identification card has a
10 current driver's license or instruction permit issued by the
11 Secretary of State, the Secretary may require the applicant to
12 utilize the same residence address and name on the
13 identification card, driver's license, and instruction permit
14 records maintained by the Secretary. The Secretary may
15 promulgate rules to implement this provision.

16 (a-10) If the applicant is a judicial officer as defined in
17 Section 1-10 of the Judicial Privacy Act, a State's Attorney,
18 or a peace officer, the applicant may elect to have his or her
19 office or work address listed on the card instead of the
20 applicant's residence or mailing address. The Secretary may
21 promulgate rules to implement this provision. For the purposes
22 of this subsection (a-10), "peace officer" means any person who
23 by virtue of his or her office or public employment is vested
24 by law with a duty to maintain public order or to make arrests
25 for a violation of any penal statute of this State, whether
26 that duty extends to all violations or is limited to specific

1 violations.

2 (b) The Secretary of State shall issue a special Illinois
3 Identification Card, which shall be known as an Illinois Person
4 with a Disability Identification Card, to any natural person
5 who is a resident of the State of Illinois, who is a person
6 with a disability as defined in Section 4A of this Act, who
7 applies for such card, or renewal thereof. No Illinois Person
8 with a Disability Identification Card shall be issued to any
9 person who holds a valid foreign state identification card,
10 license, or permit unless the person first surrenders to the
11 Secretary of State the valid foreign state identification card,
12 license, or permit. The Secretary of State shall charge no fee
13 to issue such card. The card shall be prepared and supplied by
14 the Secretary of State, and shall include a photograph and
15 signature or mark of the applicant, a designation indicating
16 that the card is an Illinois Person with a Disability
17 Identification Card, and shall include a comprehensible
18 designation of the type and classification of the applicant's
19 disability as set out in Section 4A of this Act. However, the
20 Secretary of State may provide by rule for the issuance of
21 Illinois Person with a Disability Identification Cards without
22 photographs if the applicant has a bona fide religious
23 objection to being photographed or to the display of his or her
24 photograph. If the applicant so requests, the card shall
25 include a description of the applicant's disability and any
26 information about the applicant's disability or medical

1 history which the Secretary determines would be helpful to the
2 applicant in securing emergency medical care. If a mark is used
3 in lieu of a signature, such mark shall be affixed to the card
4 in the presence of two witnesses who attest to the authenticity
5 of the mark. The Illinois Person with a Disability
6 Identification Card may be used for identification purposes in
7 any lawful situation by the person to whom it was issued.

8 The Illinois Person with a Disability Identification Card
9 may be used as adequate documentation of disability in lieu of
10 a physician's determination of disability, a determination of
11 disability from a physician assistant who has been delegated
12 the authority to make this determination by his or her
13 supervising physician, a determination of disability from an
14 advanced practice nurse who has a written collaborative
15 agreement with a collaborating physician that authorizes the
16 advanced practice nurse to make this determination, or any
17 other documentation of disability whenever any State law
18 requires that a disabled person provide such documentation of
19 disability, however an Illinois Person with a Disability
20 Identification Card shall not qualify the cardholder to
21 participate in any program or to receive any benefit which is
22 not available to all persons with like disabilities.
23 Notwithstanding any other provisions of law, an Illinois Person
24 with a Disability Identification Card, or evidence that the
25 Secretary of State has issued an Illinois Person with a
26 Disability Identification Card, shall not be used by any person

1 other than the person named on such card to prove that the
2 person named on such card is a disabled person or for any other
3 purpose unless the card is used for the benefit of the person
4 named on such card, and the person named on such card consents
5 to such use at the time the card is so used.

6 An optometrist's determination of a visual disability
7 under Section 4A of this Act is acceptable as documentation for
8 the purpose of issuing an Illinois Person with a Disability
9 Identification Card.

10 When medical information is contained on an Illinois Person
11 with a Disability Identification Card, the Office of the
12 Secretary of State shall not be liable for any actions taken
13 based upon that medical information.

14 (c) The Secretary of State shall provide that each original
15 or renewal Illinois Identification Card or Illinois Person with
16 a Disability Identification Card issued to a person under the
17 age of 21 shall be of a distinct nature from those Illinois
18 Identification Cards or Illinois Person with a Disability
19 Identification Cards issued to individuals 21 years of age or
20 older. The color designated for Illinois Identification Cards
21 or Illinois Person with a Disability Identification Cards for
22 persons under the age of 21 shall be at the discretion of the
23 Secretary of State.

24 (c-1) Each original or renewal Illinois Identification
25 Card or Illinois Person with a Disability Identification Card
26 issued to a person under the age of 21 shall display the date

1 upon which the person becomes 18 years of age and the date upon
2 which the person becomes 21 years of age.

3 (c-3) The General Assembly recognizes the need to identify
4 military veterans living in this State for the purpose of
5 ensuring that they receive all of the services and benefits to
6 which they are legally entitled, including healthcare,
7 education assistance, and job placement. To assist the State in
8 identifying these veterans and delivering these vital services
9 and benefits, the Secretary of State is authorized to issue
10 Illinois Identification Cards and Illinois Person with a
11 Disability Identification Cards with the word "veteran"
12 appearing on the face of the cards. This authorization is
13 predicated on the unique status of veterans. The Secretary may
14 not issue any other identification card which identifies an
15 occupation, status, affiliation, hobby, or other unique
16 characteristics of the identification card holder which is
17 unrelated to the purpose of the identification card.

18 (c-5) Beginning on or before July 1, 2015, the Secretary of
19 State shall designate a space on each original or renewal
20 identification card where, at the request of the applicant, the
21 word "veteran" shall be placed. The veteran designation shall
22 be available to a person identified as a veteran under
23 subsection (b) of Section 5 of this Act who was discharged or
24 separated under honorable conditions.

25 (d) The Secretary of State may issue a Senior Citizen
26 discount card, to any natural person who is a resident of the

1 State of Illinois who is 60 years of age or older and who
2 applies for such a card or renewal thereof. The Secretary of
3 State shall charge no fee to issue such card. The card shall be
4 issued in every county and applications shall be made available
5 at, but not limited to, nutrition sites, senior citizen centers
6 and Area Agencies on Aging. The applicant, upon receipt of such
7 card and prior to its use for any purpose, shall have affixed
8 thereon in the space provided therefor his signature or mark.

9 (e) The Secretary of State, in his or her discretion, may
10 designate on each Illinois Identification Card or Illinois
11 Person with a Disability Identification Card a space where the
12 card holder may place a sticker or decal, issued by the
13 Secretary of State, of uniform size as the Secretary may
14 specify, that shall indicate in appropriate language that the
15 card holder has renewed his or her Illinois Identification Card
16 or Illinois Person with a Disability Identification Card.

17 (Source: P.A. 97-371, eff. 1-1-12; 97-739, eff. 1-1-13; 97-847,
18 eff. 1-1-13; 97-1064, eff. 1-1-13; 98-323, eff. 1-1-14; 98-463,
19 eff. 8-16-13; 98-558, eff. 1-1-14; 98-756, eff. 7-16-14.)

20 (15 ILCS 335/5) (from Ch. 124, par. 25)

21 Sec. 5. Applications.

22 (a) Any natural person who is a resident of the State of
23 Illinois may file an application for an identification card, or
24 for the renewal thereof, in a manner prescribed by the
25 Secretary. Each original application shall be completed by the

1 applicant in full and shall set forth the legal name, residence
2 address and zip code, social security number, birth date, sex
3 and a brief description of the applicant. The applicant shall
4 be photographed, unless the Secretary of State has provided by
5 rule for the issuance of identification cards without
6 photographs and the applicant is deemed eligible for an
7 identification card without a photograph under the terms and
8 conditions imposed by the Secretary of State, and he or she
9 shall also submit any other information as the Secretary may
10 deem necessary or such documentation as the Secretary may
11 require to determine the identity of the applicant. In addition
12 to the residence address, the Secretary may allow the applicant
13 to provide a mailing address. If the applicant is a judicial
14 officer as defined in Section 1-10 of the Judicial Privacy Act, a
15 a State's Attorney, or a peace officer, the applicant may elect
16 to have his or her office or work address in lieu of the
17 applicant's residence or mailing address. An applicant for an
18 Illinois Person with a Disability Identification Card must also
19 submit with each original or renewal application, on forms
20 prescribed by the Secretary, such documentation as the
21 Secretary may require, establishing that the applicant is a
22 "person with a disability" as defined in Section 4A of this
23 Act, and setting forth the applicant's type and class of
24 disability as set forth in Section 4A of this Act. For the
25 purposes of this subsection (a), "peace officer" means any
26 person who by virtue of his or her office or public employment

1 is vested by law with a duty to maintain public order or to
2 make arrests for a violation of any penal statute of this
3 State, whether that duty extends to all violations or is
4 limited to specific violations.

5 (b) Beginning on or before July 1, 2015, for each original
6 or renewal identification card application under this Act, the
7 Secretary shall inquire as to whether the applicant is a
8 veteran for purposes of issuing an identification card with a
9 veteran designation under subsection (c-5) of Section 4 of this
10 Act. The acceptable forms of proof shall include, but are not
11 limited to, Department of Defense form DD-214. The Secretary
12 shall determine by rule what other forms of proof of a person's
13 status as a veteran are acceptable.

14 The Illinois Department of Veterans' Affairs shall confirm
15 the status of the applicant as an honorably discharged veteran
16 before the Secretary may issue the identification card.

17 For purposes of this subsection (b):

18 "Active duty" means active duty under an executive order of
19 the President of the United States, an Act of the Congress of
20 the United States, or an order of the Governor.

21 "Armed forces" means any of the Armed Forces of the United
22 States, including a member of any reserve component or National
23 Guard unit called to active duty.

24 "Veteran" means a person who has served on active duty in
25 the armed forces and was discharged or separated under
26 honorable conditions.

1 (Source: P.A. 97-371, eff. 1-1-12; 97-739, eff. 1-1-13; 97-847,
2 eff. 1-1-13; 97-1064, eff. 1-1-13; 98-323, eff. 1-1-14; 98-463,
3 eff. 8-16-13.)

4 Section 4-20. The Illinois Vehicle Code is amended by
5 changing Sections 6-106 and 6-110 as follows:

6 (625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)

7 Sec. 6-106. Application for license or instruction permit.

8 (a) Every application for any permit or license authorized
9 to be issued under this Code shall be made upon a form
10 furnished by the Secretary of State. Every application shall be
11 accompanied by the proper fee and payment of such fee shall
12 entitle the applicant to not more than 3 attempts to pass the
13 examination within a period of one year after the date of
14 application.

15 (b) Every application shall state the legal name, social
16 security number, zip code, date of birth, sex, and residence
17 address of the applicant; briefly describe the applicant; state
18 whether the applicant has theretofore been licensed as a
19 driver, and, if so, when and by what state or country, and
20 whether any such license has ever been cancelled, suspended,
21 revoked or refused, and, if so, the date and reason for such
22 cancellation, suspension, revocation or refusal; shall include
23 an affirmation by the applicant that all information set forth
24 is true and correct; and shall bear the applicant's signature.

1 In addition to the residence address, the Secretary may allow
2 the applicant to provide a mailing address. In the case of an
3 applicant who is a judicial officer, State's Attorney, or peace
4 officer, the Secretary may allow the applicant to provide an
5 office or work address in lieu of a residence or mailing
6 address. The application form may also require the statement of
7 such additional relevant information as the Secretary of State
8 shall deem necessary to determine the applicant's competency
9 and eligibility. The Secretary of State may, in his discretion,
10 by rule or regulation, provide that an application for a
11 drivers license or permit may include a suitable photograph of
12 the applicant in the form prescribed by the Secretary, and he
13 may further provide that each drivers license shall include a
14 photograph of the driver. The Secretary of State may utilize a
15 photograph process or system most suitable to deter alteration
16 or improper reproduction of a drivers license and to prevent
17 substitution of another photo thereon. For the purposes of this
18 subsection (b), "peace officer" means any person who by virtue
19 of his or her office or public employment is vested by law with
20 a duty to maintain public order or to make arrests for a
21 violation of any penal statute of this State, whether that duty
22 extends to all violations or is limited to specific violations.

23 (c) The application form shall include a notice to the
24 applicant of the registration obligations of sex offenders
25 under the Sex Offender Registration Act. The notice shall be
26 provided in a form and manner prescribed by the Secretary of

1 State. For purposes of this subsection (c), "sex offender" has
2 the meaning ascribed to it in Section 2 of the Sex Offender
3 Registration Act.

4 (d) Any male United States citizen or immigrant who applies
5 for any permit or license authorized to be issued under this
6 Code or for a renewal of any permit or license, and who is at
7 least 18 years of age but less than 26 years of age, must be
8 registered in compliance with the requirements of the federal
9 Military Selective Service Act. The Secretary of State must
10 forward in an electronic format the necessary personal
11 information regarding the applicants identified in this
12 subsection (d) to the Selective Service System. The applicant's
13 signature on the application serves as an indication that the
14 applicant either has already registered with the Selective
15 Service System or that he is authorizing the Secretary to
16 forward to the Selective Service System the necessary
17 information for registration. The Secretary must notify the
18 applicant at the time of application that his signature
19 constitutes consent to registration with the Selective Service
20 System, if he is not already registered.

21 (e) Beginning on or before July 1, 2015, for each original
22 or renewal driver's license application under this Code, the
23 Secretary shall inquire as to whether the applicant is a
24 veteran for purposes of issuing a driver's license with a
25 veteran designation under subsection (e-5) of Section 6-110 of
26 this Code. The acceptable forms of proof shall include, but are

1 not limited to, Department of Defense form DD-214. The
2 Secretary shall determine by rule what other forms of proof of
3 a person's status as a veteran are acceptable.

4 The Illinois Department of Veterans' Affairs shall confirm
5 the status of the applicant as an honorably discharged veteran
6 before the Secretary may issue the driver's license.

7 For purposes of this subsection (e):

8 "Active duty" means active duty under an executive order of
9 the President of the United States, an Act of the Congress of
10 the United States, or an order of the Governor.

11 "Armed forces" means any of the Armed Forces of the United
12 States, including a member of any reserve component or National
13 Guard unit called to active duty.

14 "Veteran" means a person who has served on active duty in
15 the armed forces and was discharged or separated under
16 honorable conditions.

17 (Source: P.A. 97-263, eff. 8-5-11; 97-739, eff. 1-1-13; 97-847,
18 eff. 1-1-13; 98-323, eff. 1-1-14; 98-463, eff. 8-16-13; 98-756,
19 eff. 7-16-14.)

20 (625 ILCS 5/6-110) (from Ch. 95 1/2, par. 6-110)

21 Sec. 6-110. Licenses issued to drivers.

22 (a) The Secretary of State shall issue to every qualifying
23 applicant a driver's license as applied for, which license
24 shall bear a distinguishing number assigned to the licensee,
25 the legal name, signature, zip code, date of birth, residence

1 address, and a brief description of the licensee.

2 Licenses issued shall also indicate the classification and
3 the restrictions under Section 6-104 of this Code. The
4 Secretary may adopt rules to establish informational
5 restrictions that can be placed on the driver's license
6 regarding specific conditions of the licensee.

7 A driver's license issued may, in the discretion of the
8 Secretary, include a suitable photograph of a type prescribed
9 by the Secretary.

10 (a-1) If the licensee is less than 18 years of age, unless
11 one of the exceptions in subsection (a-2) apply, the license
12 shall, as a matter of law, be invalid for the operation of any
13 motor vehicle during the following times:

14 (A) Between 11:00 p.m. Friday and 6:00 a.m. Saturday;

15 (B) Between 11:00 p.m. Saturday and 6:00 a.m. on
16 Sunday; and

17 (C) Between 10:00 p.m. on Sunday to Thursday,
18 inclusive, and 6:00 a.m. on the following day.

19 (a-2) The driver's license of a person under the age of 18
20 shall not be invalid as described in subsection (a-1) of this
21 Section if the licensee under the age of 18 was:

22 (1) accompanied by the licensee's parent or guardian or
23 other person in custody or control of the minor;

24 (2) on an errand at the direction of the minor's parent
25 or guardian, without any detour or stop;

26 (3) in a motor vehicle involved in interstate travel;

1 (4) going to or returning home from an employment
2 activity, without any detour or stop;

3 (5) involved in an emergency;

4 (6) going to or returning home from, without any detour
5 or stop, an official school, religious, or other
6 recreational activity supervised by adults and sponsored
7 by a government or governmental agency, a civic
8 organization, or another similar entity that takes
9 responsibility for the licensee, without any detour or
10 stop;

11 (7) exercising First Amendment rights protected by the
12 United States Constitution, such as the free exercise of
13 religion, freedom of speech, and the right of assembly; or

14 (8) married or had been married or is an emancipated
15 minor under the Emancipation of Minors Act.

16 (a-2.5) The driver's license of a person who is 17 years of
17 age and has been licensed for at least 12 months is not invalid
18 as described in subsection (a-1) of this Section while the
19 licensee is participating as an assigned driver in a Safe Rides
20 program that meets the following criteria:

21 (1) the program is sponsored by the Boy Scouts of
22 America or another national public service organization;
23 and

24 (2) the sponsoring organization carries liability
25 insurance covering the program.

26 (a-3) If a graduated driver's license holder over the age

1 of 18 committed an offense against traffic regulations
2 governing the movement of vehicles or any violation of Section
3 6-107 or Section 12-603.1 of this Code in the 6 months prior to
4 the graduated driver's license holder's 18th birthday, and was
5 subsequently convicted of the offense, the provisions of
6 subsection (a-1) shall continue to apply until such time as a
7 period of 6 consecutive months has elapsed without an
8 additional violation and subsequent conviction of an offense
9 against traffic regulations governing the movement of vehicles
10 or Section 6-107 or Section 12-603.1 of this Code.

11 (a-4) If an applicant for a driver's license or instruction
12 permit has a current identification card issued by the
13 Secretary of State, the Secretary may require the applicant to
14 utilize the same residence address and name on the
15 identification card, driver's license, and instruction permit
16 records maintained by the Secretary. The Secretary may
17 promulgate rules to implement this provision.

18 (a-5) If an applicant for a driver's license is a judicial
19 officer, State's Attorney, or a peace officer, the applicant
20 may elect to have his or her office or work address listed on
21 the license instead of the applicant's residence or mailing
22 address. The Secretary of State shall adopt rules to implement
23 this subsection (a-5). For the purposes of this subsection
24 (a-5), "peace officer" means any person who by virtue of his or
25 her office or public employment is vested by law with a duty to
26 maintain public order or to make arrests for a violation of any

1 penal statute of this State, whether that duty extends to all
2 violations or is limited to specific violations.

3 (b) Until the Secretary of State establishes a First Person
4 Consent organ and tissue donor registry under Section 6-117 of
5 this Code, the Secretary of State shall provide a format on the
6 reverse of each driver's license issued which the licensee may
7 use to execute a document of gift conforming to the provisions
8 of the Illinois Anatomical Gift Act. The format shall allow the
9 licensee to indicate the gift intended, whether specific
10 organs, any organ, or the entire body, and shall accommodate
11 the signatures of the donor and 2 witnesses. The Secretary
12 shall also inform each applicant or licensee of this format,
13 describe the procedure for its execution, and may offer the
14 necessary witnesses; provided that in so doing, the Secretary
15 shall advise the applicant or licensee that he or she is under
16 no compulsion to execute a document of gift. A brochure
17 explaining this method of executing an anatomical gift document
18 shall be given to each applicant or licensee. The brochure
19 shall advise the applicant or licensee that he or she is under
20 no compulsion to execute a document of gift, and that he or she
21 may wish to consult with family, friends or clergy before doing
22 so. The Secretary of State may undertake additional efforts,
23 including education and awareness activities, to promote organ
24 and tissue donation.

25 (c) The Secretary of State shall designate on each driver's
26 license issued a space where the licensee may place a sticker

1 or decal of the uniform size as the Secretary may specify,
2 which sticker or decal may indicate in appropriate language
3 that the owner of the license carries an Emergency Medical
4 Information Card.

5 The sticker may be provided by any person, hospital,
6 school, medical group, or association interested in assisting
7 in implementing the Emergency Medical Information Card, but
8 shall meet the specifications as the Secretary may by rule or
9 regulation require.

10 (d) The Secretary of State shall designate on each driver's
11 license issued a space where the licensee may indicate his
12 blood type and RH factor.

13 (e) The Secretary of State shall provide that each original
14 or renewal driver's license issued to a licensee under 21 years
15 of age shall be of a distinct nature from those driver's
16 licenses issued to individuals 21 years of age and older. The
17 color designated for driver's licenses for licensees under 21
18 years of age shall be at the discretion of the Secretary of
19 State.

20 (e-1) The Secretary shall provide that each driver's
21 license issued to a person under the age of 21 displays the
22 date upon which the person becomes 18 years of age and the date
23 upon which the person becomes 21 years of age.

24 (e-3) The General Assembly recognizes the need to identify
25 military veterans living in this State for the purpose of
26 ensuring that they receive all of the services and benefits to

1 which they are legally entitled, including healthcare,
2 education assistance, and job placement. To assist the State in
3 identifying these veterans and delivering these vital services
4 and benefits, the Secretary of State is authorized to issue
5 drivers' licenses with the word "veteran" appearing on the face
6 of the licenses. This authorization is predicated on the unique
7 status of veterans. The Secretary may not issue any other
8 driver's license which identifies an occupation, status,
9 affiliation, hobby, or other unique characteristics of the
10 license holder which is unrelated to the purpose of the
11 driver's license.

12 (e-5) Beginning on or before July 1, 2015, the Secretary of
13 State shall designate a space on each original or renewal
14 driver's license where, at the request of the applicant, the
15 word "veteran" shall be placed. The veteran designation shall
16 be available to a person identified as a veteran under
17 subsection (e) of Section 6-106 of this Code who was discharged
18 or separated under honorable conditions.

19 (f) The Secretary of State shall inform all Illinois
20 licensed commercial motor vehicle operators of the
21 requirements of the Uniform Commercial Driver License Act,
22 Article V of this Chapter, and shall make provisions to insure
23 that all drivers, seeking to obtain a commercial driver's
24 license, be afforded an opportunity prior to April 1, 1992, to
25 obtain the license. The Secretary is authorized to extend
26 driver's license expiration dates, and assign specific times,

1 dates and locations where these commercial driver's tests shall
2 be conducted. Any applicant, regardless of the current
3 expiration date of the applicant's driver's license, may be
4 subject to any assignment by the Secretary. Failure to comply
5 with the Secretary's assignment may result in the applicant's
6 forfeiture of an opportunity to receive a commercial driver's
7 license prior to April 1, 1992.

8 (g) The Secretary of State shall designate on a driver's
9 license issued, a space where the licensee may indicate that he
10 or she has drafted a living will in accordance with the
11 Illinois Living Will Act or a durable power of attorney for
12 health care in accordance with the Illinois Power of Attorney
13 Act.

14 (g-1) The Secretary of State, in his or her discretion, may
15 designate on each driver's license issued a space where the
16 licensee may place a sticker or decal, issued by the Secretary
17 of State, of uniform size as the Secretary may specify, that
18 shall indicate in appropriate language that the owner of the
19 license has renewed his or her driver's license.

20 (h) A person who acts in good faith in accordance with the
21 terms of this Section is not liable for damages in any civil
22 action or subject to prosecution in any criminal proceeding for
23 his or her act.

24 (Source: P.A. 97-263, eff. 8-5-11; 97-739, eff. 1-1-13; 97-847,
25 eff. 1-1-13; 97-1127, eff. 1-1-13; 98-323, eff. 1-1-14; 98-463,
26 eff. 8-16-13.)

1 Section 4-99. Effective date. This Act takes effect upon
2 becoming law.

1		INDEX
2		Statutes amended in order of appearance
3	New Act	
4	5 ILCS 140/7.5	
5	10 ILCS 5/10-10.6 new	
6	15 ILCS 335/4	from Ch. 124, par. 24
7	15 ILCS 335/5	from Ch. 124, par. 25
8	625 ILCS 5/6-106	from Ch. 95 1/2, par. 6-106
9	625 ILCS 5/6-110	from Ch. 95 1/2, par. 6-110